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Calendar No. 596

101ST CONGRESS *2d Session*	SENATE	REPORT 101-324

CERTIFICATION OF DOCUMENTATION FOR THE VESSEL "SEA DEVIL"

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

OF THE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 2498

JUNE 8 (legislative day, APRIL 18), 1990.—Ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE
39-010 WASHINGTON : 1990

★ (Star Print)

S263-12

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Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 2498]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2498) to authorize a certificate of documentation for the vessel *Sea Devil,* having considered the same, reports favorably thereon and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

S. 2498, as reported, grants coastwise trading and fishery privileges to the vessel *Sea Devil.*

BACKGROUND AND NEEDS

Subject to certain limited exceptions, the law known as the Jones Act, section 27 of the Merchant Marine Act of 1920 (46 App. U.S.C. 883), together with the vessel documentation requirements, sections 12106 through 12108 of title 46, U.S. Code, provides that only those vessels built in the United States, continuously documented under the laws of the United States, and continuously owned by U.S. citizens may transport merchandise or passengers in the coastwise trade, or engage in the fisheries, of the United States.

Where the facts applicable to a particular vessel suggest that the U.S.-owned requirements have not been satisfied, the Coast Guard may not issue a document granting coastwise trading or fishery privileges for that vessel unless the requirements of the Jones Act and title 46 are statutorily waived.

The vessel *Sea Devil,* U.S. official number 569316, is a former U.S. Navy tug boat that was built in Brooklyn, New York, in 1943. The vessel was later sold to Crowley Maritime, who placed it in its Panamanian corporation, and put the vessel in storage in 1978. The current owner, William A. Gardner of Seattle, Washington, bought the vessel from Crowley in 1989. He intends to convert the vessel into a salmon cannery tender.

Since the vessel was placed into the ownership of Crowley's Panamanian corporation, and thus under foreign ownership, its coastwise trade and fishery privileges were lost. Therefore, the owner of the *Sea Devil* is seeking a statutory waiver of the Jones Act and title 46.

Legislative History

S. 2498 was introduced on April 24, 1990, by Senator Gorton. In open executive session on May 22, 1990, the Committee considered S. 2498, and ordered the legislation reported favorably without objection and without amendment.

Estimated Costs

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, May 25, 1990.

Hon. Ernest F. Hollings,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 2498, a bill to authorize a certificate of documentation for the vessel *Sea Devil.* The bill was ordered reported by the Senate Committee on Commerce, Science, and Transportation on May 22, 1990. Enactment of S. 2498 would not result in any cost to the federal government or to state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

Robert D. Reischauer, *Director.*

Regulatory Impact Statement

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

Because S. 2498 does not create any new programs, the legislation will have no additional regulatory impact, and will result in no additional reporting requirements. The legislation will have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal

privacy of affected individuals, or the paper work required from such individuals and businesses.

Section-by-Section Analysis

The bill consists of one section. It provides that, notwithstanding sections 12106, 12107, and 12108 of title 46, U.S. Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of the bill, the vessel *Sea Devil*, U.S. official number 569316, is eligible to engage in the coastwise trade and fisheries of the United States and the Secretary of Transportation may issue a certificate of documentation for such vessel.

Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

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